

**REMARKS**

In the non-final Office Action, the Examiner rejected claims 1-6, 8, 11-13, 17-22, and 60-63 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. (U.S. Patent Application Publication No. 2005/0027699) in view of Maddalozzo, Jr. et al. (U.S. Patent No. 6,460,060) and Bode et al. (U.S. Patent No. 7,206,778); and rejected claims 9 and 14 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Bode et al., and Carolan et al. (U.S. Patent No. 2004/0133440).

By this Amendment, Applicants cancel claim 12 without prejudice or disclaimer, amend claims 1-5, 8, 9, 11, 13, 14, 17-19, 21, and 61-63 to improve form, and add new claim 64. No new matter has been added. Claims 1-6, 8, 9, 11, 13, 14, 17-22, and 60-64 are pending. Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103.

In paragraph 7 of the Office Action, the Examiner rejected pending claims 1-6, 8, 11, 13, 17-22, and 60-63 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al. and Bode et al. Applicants traverse the rejection.

Amended independent claim 1, for example, is directed to a method comprising receiving a search query from a user; receiving first-search results based at least in part on a search performed using the search query; performing a search of a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user; comparing the second-search results to the first-search results to determine whether one of the second-search results is present in the first-search results; adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results; modifying the one of the second-

search results within the first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results; and outputting the first-search results with the added second-search result or the modified second-search result.

Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 1. For example, Awadallah et al. , Maddalozzo, Jr. et al., and Bode et al. do not disclose or suggest modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results.

The Examiner admitted that Awadallah et al. and Maddalozzo, Jr. et al. do not disclose or suggest modifying one of the second-search results within first-search results, but alleged that Bode et al. discloses this feature and cited column 15, lines 28-32, of Bode et al. for support (Office Action, pages 4-5). Without acquiescing in the Examiner's allegation, Applicants submit that Bode et al. does not disclose or suggest modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

At column 15, lines 25-37, Bode et al. discloses:

Even when a particular search does return more documents than a preceding search, all the results from the preceding search will not necessarily be contained in the result set of that particular subsequent search. In one example, after the results are deemed sufficient (or all searches are exhausted) the results of searches performed thusfar are combined, ranked by results ranking engine 415, and presented to the user (after eliminating duplicate returned documents). In one example of ranking by results ranking engine 415, results from a more specific search are ranked higher than results from a more general

search, with duplicative results appearing in both such searches eliminated from the more general searches results.

In this section, Bode et al. discloses results from a particular search and a preceding search are combined, ranked, and presented to the user after eliminating duplicate returned documents. Eliminating duplicate documents, as disclosed by Bode et al., cannot reasonably be equated to moving a position of a second-search result within first-search results. Thus, Bode et al. cannot disclose or suggest modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

Awadallah et al. and Maddalozzo, Jr. et al. also do not disclose or suggest modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

The Examiner alleged, with regard to claim 11, that Awadallah et al. and Bode et al. discloses moving a position of second-search results within first-search results, and cited paragraph 0045 of Awadallah et al., and column 8, lines 4-14, of Bode et al. for support (Office Action, page 7). Applicants submit that the disclosures of Awadallah et al. and Bode et al. provide absolutely no support for the Examiner's allegation.

At paragraph 0045, Awadallah et al. discloses:

In an embodiment, each of results from source 1 (202), results from source 2 (204), and results from source 3 (206) are placed on a search results page in distinctly different regions so that it is visually clear that they are from different sources and/or are of different types of results. In an embodiment, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be in different regions that are not visually distinct, but that are nonetheless logically distinct. Alternatively, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be mixed together, but nonetheless labeled so that their sources, or the types of source from

which they originate, are clear. Optionally, the mixture of results from different sources may be ordered according to a ranking that takes into account each listing's commercial value, quality value, relevance to the search, and/or other measures of the listing's relevance. In other embodiments, the type of source from which the results originate may not be identified or be identifiable.

In this section, Awadallah et al. discloses that search results are presented in different regions on a search results page, or are mixed together and labeled to identify their source. Nowhere in this section, or elsewhere, does Awadallah et al. disclose or remotely suggest moving a position of a search result, let alone modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

Mixing search results is clearly different than moving a position of a search result within a set of search results when that search result is present within the set of search results.

At column 8, lines 4-14, Bode et al. discloses:

If needed, result ranking engine 415 reorders documents returned in the various search results, such as by differently weighting the result of different searches and/or by using any information regarding the degree to which a particular document satisfied the search criteria. Result ranking engine 415 provides a ranked or otherwise ordered list of documents (i.e., a result list) to the user 420.

In FIG. 4, system 400 may additionally include a user search editor 430, which allows the user 420 to select/deselect particular searches S1, S2, S3, . . . , SN and/or to edit the criteria used for particular searches.

In this section, Bode et al. discloses that the result ranking engine reorders documents returned in various search results by differently weighting the results of different searches and/or using information regarding the degree to which a particular document satisfied the search criteria. In other words, Bode et al. discloses that a weighting scheme or a degree of match can be used to rank search results. This is clearly different from moving a position of a second-search result within first-search results when that second-search result is present within the first-search results.

Thus, Bode et al. cannot disclose or suggest modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

The Examiner alleged that it would have been obvious to incorporate Bode et al.'s disclosure of eliminating duplicate documents into the combined system of Awadallah et al. and Maddalozzo, Jr. et al. to avoid redundancy in the search results (Office Action, page 5). Applicants submit that, contrary to the Examiner's allegation, it would not have been obvious to incorporate Bode et al.'s disclosure into the combined Awadallah et al. and Maddalozzo, Jr. et al. system absent impermissible hindsight.

Awadallah et al. discloses presenting search results from different databases in different regions within a search results page (Figure 2; para. 0043), or mixing the search results from different databases together and clearly labeling their source (para. 0045). Even in the mixed presentation implementation, Awadallah et al. appears to treat two identical search results from separate databases as two different search results. Therefore, modifying the Awadallah et al. system in the manner suggested by the Examiner would be directly contrary to the operation of the Awadallah et al. system. Thus, the Examiner's motivation statement lacks merit and falls short of establishing a *prima facie* case of obviousness with regard to claim 1.

The Examiner did not provide any motivation for combining the alleged disclosure of Bode et al. of moving a position of a second-search result within first-search results into the combined Awadallah et al. and Maddalozzo, Jr. et al. system (see, e.g., the Examiner's rejection

of claim 11 on page 7). Thus, the Examiner has not established a prima facie case of obviousness.

For at least these reasons, Applicants submit that claim 1 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination. Claims 2-6, 8, 9, 11, 13, 17-19, and 60-63 depend from claim 1 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. for at least the reasons given with regard to claim 1.

Amended independent claims 20-22 recite features similar to, yet possibly different in scope from, features recited in claim 1. Claims 20-22 are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 1-6, 8, 11, 13, 17-22, and 60-63 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., and Bode et al.

In paragraph 8 of the Office Action, the Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Bode et al., and Carolan et al. Applicants traverse the rejection.

Claims 9 and 14 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 9 and 14, Applicants submit that the disclosure of Carolan et al. does not cure the deficiencies in the disclosures of Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. identified above with regard to claim 1. Thus, claims 9 and 14 are patentable over Awadallah et al.

al., Maddalozzo, Jr. et al., Bode et al., and Carolan et al., whether taken alone or in any reasonable combination.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 9 and 14 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., Bode et al., and Carolan et al.

New claim 64 depends from claim 1. Claim 64 is, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., Bode et al., and/or Carolan et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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Docket No. 0026-0039

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: February 15, 2008

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